

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:10CV496-GCM-DSC**

WYCHE L. SIZER,)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
CONTINENTAL)	
AUTOMOTIVE, INC., et. al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court sua sponte after reviewing the parties' "Motion[s] for Summary Judgment" (documents ##25 and 27).

The Court **ORDERS** the parties to submit Supplemental Briefs on or before January 3, 2013.

The Supplemental Briefs shall be confined to the following issues:

1. Whether the relevant Plan is "the Plan that was in effect in 1999 when [Plaintiff's] leave of absence terminated,"¹ or "the document in existence when Plaintiff submits a benefits application."²
2. Whether Plaintiff's claim for retirement benefits is ripe for judicial review.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Graham C. Mullen.

¹Plaintiff's "Response ..." at 4 (document #30).

²Defendant's "Reply ..." at 4 (document #35).

SO ORDERED.

Signed: December 3, 2012

D S Cayer

David S. Cayer
United States Magistrate Judge

